

12 CV 03427

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

VANDYKE JOHNSON,

Plaintiff,

v.

ALEXANDRA MARTE PERALTA

Defendant.

Civil Action No. _____

**COMPLAINT FOR DAMAGES
(Libel, Slander and Defamation of
Character)**

JURY TRIAL DEMANDED

The Plaintiff, VANDYKE JOHNSON, residing in the State of New York, at 1253 Leland Avenue, Apt 1C, Bronx, NY 10472, say by way of complaint:

JURISDICTION AND VENUE

1. This is a civil action seeking damages against the Defendant, ALEXANDRA MARTE PERALTA (herein Defendant), who is a resident of the State of New Jersey since 2008. The Court shall exercise original jurisdiction under 28 § 1332. The Plaintiff is a resident of the State of New York and the Defendant is a resident of the State of New Jersey. The matter of controversy before the Court is proper and the amount of exceed the sum or value of \$75,000.



PARTIES

2. The Plaintiff, VANDYKE JOHNSON, is a citizen of the United States and resides at 1253 Leland Avenue, Bronx, New York, 10472
3. The Defendant, ALEXANDRA MARTE PERALTA, is neither a citizen nor a green card holder of the United States, and resides at 1810 West Street, Union City, New Jersey 07087.
4. Plaintiff sues each and all Defendant in their individual capacity.
5. At all times material to this Complaint, Defendant Peralta communicated to various 3rd parties, Union City Police Department, family, friends, and Facebook members, information that resulted in falsity in character of the Plaintiff, illegal arrests and detentions. Defendant Peralta continues to relay information to authorities, to hurt the Plaintiff's reputation and as a result restrict the Plaintiff's freedom because of the relay of false information on purpose and with intent, to authorities.

STATEMENT OF FACTS

6. **Defendant:** Alexandra Marte Peralta

Occupation: Private Citizen

How is she involved: At or around January 2011, Defendant Peralta was briefly married to the Plaintiff, Vandyke Johnson. Upon discovering that the Defendant Peralta, is not a legal citizen, where in fact Defendant Peralta is illegal, the Plaintiff did not sign any papers to grant citizenship to the Defendant or her sons. The Defendant consistently argued with the Plaintiff on an everyday basis, based upon the discovery of the Defendant planned to obtain citizenship within the United States by way of marriage. The Defendant proceeds to call the Union City Police Department on multiple occasions, to try and arrest

the Plaintiff based upon the allegation, the Defendant provide to the Union Police Department, that the Plaintiff assaulted the Defendant.

7. Domestic Violence is a serious crime against society and carries heavy consequences for one who is convicted of domestic violence. On the 27th day of February 2011, the Plaintiff and Defendant argued and the Defendant called the police. Defendant Peralta gave false information to the arriving Union City Police, stating that the Plaintiff assaulted her while the Plaintiff suffered bite marks caused by the Defendant. Plaintiff was arrested on the charges of simple assault in New Jersey despite the offence caused by the Defendant, who was not arrested. Defendant provided false information to the Union City Municipal Judge to obtain a Temporary Restraining Order against the Plaintiff based upon assault.
8. On the 10th day of May 2011, the charges of simple assault are dismissed by the Union City Municipal Court.
9. On the 16th day of May 2011, Defendant Peralta, again, files charges stating the Plaintiff is stalking her and causing emotional distress.
10. At or around late November 2011, Defendant Peralta is interviewed by New Jersey Prosecutor Strasser, and show documents, stating that the Plaintiff assaulted the Defendant in the past, whereas the case was already dismissed back on the 10th day of May 2011.
11. Plaintiff recorded the conversation between the Plaintiff and Defendant Peralta, stating "she never told anybody I assaulted her."

12. Municipal Judge Munoz, of the Union City Court, on the 12th day of April 2011, states to the Plaintiff “if the assault was dismissed in Family Court, then there is no restraining order.”

13. Defendant Peralta continues to communicate with family and friends on facebook, implying that the Defendant hit her and Defendants calls the Plaintiff “devil”.

14. As of a result of the false accusations and defamation caused by Defendant Peralta, though the Plaintiff assault was dismissed, the Plaintiff’s reputation is tarnished and suffers from emotional distress, loss of marriage, embarrassment and humiliation, economic loss, pain and suffering, deprivation of liberty, mental anguish, and loss of affection.

COUNT ONE
(Libel and Slander)

15. Plaintiff repeats each and every allegation of paragraphs 1 through 12 as if set forth at length herein.

16. Defendant Peralta communicates false information, to the Union City Police Department, friends, family, about being in a domestic violence incident, in which, the Plaintiff hit her.

17. The libel information provided by Defendant Peralta, knowingly was false, and written down by the Union City Police Department on the 27th day of February 2011, and written again by the Hudson County Prosecutor.

18. The slanderous information provided by Defendant Peralta, knowingly was false, and communicated verbally, with the Union City Police Department, Hudson County Prosecutor, friends, and family.

19. As a result of the foregoing, Defendant Peralta, knowingly and falsely communicated verbally with various people and the information is recorded onto paper, thus causing libel and slander to the Plaintiff.

COUNT TWO
(Defamation)

20. Plaintiff repeats each and every allegation of paragraphs 1 through 19 as if set forth at length here in.
21. Domestic Violence is a serious crime and matter against the Public Health.
22. Defendant Peralta knowingly and continually, accuse the Plaintiff of committing Domestic Violence Assault, a serious crime against the Public Health.
23. The false statement to authorities and to friends and family was unprivileged.
24. Defendant Peralta false statement cause irreparable damage to the Plaintiff's image as a stand up guy within his own community.
25. As a result of the forgoing, Defendant Peralta, knowingly and falsely communicated verbally and written, to various people, defamed the Plaintiff with false allegations of Domestic Violence Assault.

COUNT THREE
(Intentional Infliction of Emotional Distress)

26. Plaintiff repeats each and every allegation of paragraphs 1 through 25 as if set forth at length herein.
27. By the act of false allegations of a crime and to have false allegations publish for public use in employment or background checks etc., Defendant Peralta intended to cause the Plaintiff to suffer emotional distress.

28. Defendant Peralta cause the false allegation to be published for public view, but stating and swearing in a complaint filed against the Plaintiff, for the false allegation of Domestic Violence Assault and shown reckless disregard of the false allegations, and the probability that doing so would cause emotional distress to the Plaintiff, Vandyke Johnson.

29. The action of the Defendant, Alexandra Marte Peralta, caused the Plaintiff Vandyke Johnson, to suffer emotional distress and he was injured thereby, as demonstrated below.

COUNT FOUR
(Negligent Infliction of Emotional Distress)

30. Plaintiff repeats each and every allegation of paragraphs 1 through 29, as if set forth herein.

31. The emotional distress suffered by the Plaintiff Vandyke Johnson was serious or severe.

32. Plaintiff Vandyke Johnson was injured by the actions of the Defendant, Alexandra Marte Peralta, as demonstrated below.

COUNT FIVE

33. Plaintiff repeats each and every allegation of paragraphs 1 through 32, as if set forth herein.

34. The actions of the Defendant were wanton, reckless, and willful.

35. The Defendant furnished false statements of Domestic Violence crime, both verbally and written, to various 3rd parties, including the Union City Police Department and/or law enforcement officials, with reckless disregard to the Defendant's own

marriage, the innocence of the Plaintiff, Vandyke Johnson, and did not care whether the statements were false or not.

36. As specified, the action of the Defendant, Alexandra Marte Peralta, have caused injury to the Plaintiff Vandyke Johnson.

DAMAGES

37. As a direct and proximate result of the actions of the Defendant, as detailed above, the Plaintiff, Vandyke Johnson, suffered great economic loss, defending against the false allegations caused by the Defendant, Alexandra Marte Peralta.
38. As a direct and proximate result of the actions of the Defendant, as detailed above, the Plaintiff, Vandyke Johnson, have been forced out of his own home.
39. As a direct and proximate result of the actions of the Defendant, as detailed above, the Plaintiff, Vandyke Johnson, lost a marriage due to the false allegations.
40. As a direct and proximate result of the actions of the Defendant, as detailed above, the Plaintiff, Vandyke Johnson, have been force out of work.
41. As a direct and proximate result of the actions of the Defendant, as detailed above, the Plaintiff, Vandyke Johnson, reputation is forever tarnished by the false allegations.

WHEREFORE, Plaintiff demands judgment against Defendant Alexandra Marte Peralta, severally and in the alternative, as follows:

- A. For compensatory damages;
- B. For punitive damages
- C. For interest;

D. For such other and further relief as the Court deems equitable and just.

JURY DEMAND


Plaintiff demands a trial by jury as to all counts of this Complaint.

RELIEF

For the permanent damage to the Plaintiff's good name, shame, humiliation, indignity, damage to the reputation and credit, loss of employment opportunities, medical injuries, mental anguish, emotional distress and suffering and other psychological and physical injuries, and on multiple occasions, involuntary incarceration for a period of total of 40 days. The Plaintiff is seeking one hundred thousand (\$100,000) dollars in damages that was committed by the Defendant.

I declare under penalty of perjury that the forgoing is true and correct.

Signed this 27 day of April 2012



Signature of Plaintiff